

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TENDLER CELLULAR OF TEXAS, LLC

Plaintiff,

V.

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS, SPRINT SPECTRUM, LP and
NEXTEL OPERATIONS, INC.,

Defendants.

CIVIL ACTION NO. 6:09-CV-00115

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL

Based on the settlement agreement reached between the parties, Plaintiff, TENDLER CELLULAR OF TEXAS, LLC (“Tendler”), and defendant, SPRINT SPECTRUM, LP and Nextel Operations, Inc. (collectively “SPRINT”), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing with prejudice all claims asserted by Tendler against SPRINT and all counterclaims asserted by SPRINT, with each party to bear its own costs, expenses and attorney’s fees.

Nothing in this Motion shall be construed as a release or discharge of any claim Tendler has or may have in the future against any other defendant named in this action. All such rights have been, and are, expressly reserved by Tendler.

Dated: July 16, 2010

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Jonathan T. Suder